SYMPOSIUM ON THE MANY LIVES AND LEGACIES OF SYKES-PICOT

PALESTINE AND THE SECRET TREATIES

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Introduction

The Sykes-Picot agreement is the foremost example of Western double-dealing in the Middle East since the discovery of oil.[1] The agreement, formalized in an exchange of notes between the British Foreign Secretary and the French Ambassador to the United Kingdom in London, is named after its principal negotiators Sir Mark Sykes (1879-1919) and Georges-Picot (1870-1951). As one of several overlapping arrangements affecting the postwar settlement in West Asia secretly negotiated during the First World War, the agreement provided for the division of the region into spheres of influence comprised of nominally independent Arab states under the "tutelage" of British and French advisers.

The Husayn-McMahon Correspondence

The Sykes-Picot agreement is viewed as the foremost example of Western double-dealing in the Middle East because it appears to be inconsistent with the earlier Husayn-McMahon correspondence (1915).[2] In this correspondence, the British Government had already reached an understanding with the Sharif of Mecca—custodian of Islam's holiest shrines—to recognize the independence of the Arab countries throughout the Levant and Arabia at the end of the war under the advice and guidance of Great Britain,[3] in exchange for Arab support in expelling the Turks from Arabia.[4] The British Government had conditioned this recognition on the exclusion of the "two districts of Mersina and Alexandretta and portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo" where France had claims.[5] A map illustrating the territory that had been set aside by the British Government for the Sharif of Mecca in 1915 was subsequently drawn up by mapmakers in the British Foreign Office.[6] The map and the key confirmed that Palestine was to be "Arab" and "independent."[7]

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[1] *See* GEORGE ANTONIUS, THE ARAB AWAKENING: THE STORY OF THE ARAB NATIONAL MOVEMENT 248 (1938).

[2] *See* *The Husayn-McMahon letters, July 1915-March 1916*, *in* 3 THE ARAB-ISRAELI CONFLICT 5-21 (John Norton Moore ed., 1974).

[3] *Id.* at 11, para. 4.

[4] *Id.* at 12.

[5] *Id.* at 11.

[6] *See* *South-west Asia: Middle East. Map illustrating Territorial Negotiations between H.M.G. [His Majesty's Government] and King Husein* 1918. MFQ 1/357. TNA.

[7] *Id.*

The Sykes-Picot Agreement

As compensation for French acquiescence to the British Government's decision to grant parts of southern Syria to the Sharifian Arab state in the Husayn-McMahon correspondence, the French Government requested access to Mosul in northern Mesopotamia, and specifically its oil-rich southern portion during the Sykes-Picot negotiations.[8] Petroleum was first discovered in Mosul in 1899 in a British geological survey.[9] In 1901, a German technical commission from Deutsche Bank described Mosul as a veritable "lake of petroleum."[10] The Ottoman government gave a concession to Deutsche Bank to build a railway connecting Mesopotamia to Europe in 1903, and in 1904, an exclusive right to exploit the oil of Mosul and the neighboring province of Baghdad.[11]

The outbreak of war in 1914 would irrevocably alter the balance of power in the Middle East, where Turkey's concessions to Germany would no longer be recognized by Britain and France in the new world order. On 15 November 1915, Sir Charles Greenway, one of the founders of the Anglo-Persian oil company, requested confirmation from the British Foreign Office that the company would be given complete oil rights over any portion of the Turkish Empire which came under British influence.[12] Confident of victory, Britain and France were determined to mould the region in its image, and to prevent any other state from competing with them for the acquisition of the region's resources. Even though the Levant was still part of the Ottoman Empire, and even though British troops had yet to occupy Turkey, the Sykes-Picot agreement began by declaring "[t]hat France and Great Britain are prepared to recognise and protect[13] an independent Arab State or a Confederation of Arab States in the areas (A) and (B) marked on the annexed map, under the suzerainty of an Arab chief."[14]

The Sykes-Picot agreement was viewed with concern by the Sharif when it became public knowledge because it sought to partition the Levant without his knowledge and consent into spheres of influence seemingly in contradiction to the Husayn–McMahon correspondence. In Palestine, this concern was aggravated because the Balfour Declaration—published by the British government two years after the conclusion of the Husyan-McMahon correspondence—created a further conflict of interest, this time between Arabs and Jews over Palestine's political destiny.

The Balfour Declaration

Britain decided to support Zionist aspirations to establish a Jewish national home in Palestine in the Balfour Declaration[15] for a variety of reasons, both domestic[16] and international.[17] Not only was Palestine world-famous

[8] *See* Edward Peter Fitzgerald, *France's Middle Eastern Ambitions, the Sykes-Picot Negotiations, and the Oil Fields of Mosul, 1915-1918*, 66 J. MOD. HIST. 713 (1994).

[9] TIMOTHY MITCHELL, CARBON DEMOCRACY: POLITICAL POWER IN THE AGE OF OIL 48 (2011).

[10] *Id.*

[11] *Id.*

[12] *See* R.W. FERRIER, 1 THE HISTORY OF THE BRITISH PETROLEUM COMPANY 241 (1982).

[13] The word "uphold" instead of "protect" is employed in British draft of the Sykes-Picot agreement. *See* JAMES BAAR, A LINE IN THE SAND: BRITAIN, FRANCE, AND THE STRUGGLE FOR THE MASTERY OF THE MIDDLE EAST 91 (2011).

[14] *See The Sykes-Picot Agreement, May 16, 1916*, *in* 3 THE ARAB-ISRAELI CONFLICT 25, para. 1 (John Norton Moore ed., 1974).

[15] *See The Balfour Declaration, November 2, 1917*, *in* 3 THE ARAB-ISRAELI CONFLICT 31-32 (John Norton Moore ed., 1974).

[16] *See* 4 THE COMPLETE DIARIES OF THEODOR HERZL (Raphael Patai ed.,1960). See also, 2 MINUTES OF EVIDENCE TAKEN BEFORE THE ROYAL COMMISSION ON ALIEN IMMIGRATION, Cd. 1742, testimony of Dr. Theodore Herzl, 211-221 (1903); 1 REPORT OF THE ROYAL COMMISSION ON ALIEN IMMIGRATION WITH MINUTES OF EVIDENCE AND APPENDIX, Cd. 1741, especially 6, para. 37 (1903); and A.J. BALFOUR, 149 PARLIAMENTARY DEBATES, Commons, July 10, 1905, col. 155.

[17] *See* Herzl's diary entry in 4 THE COMPLETE DIARIES OF THEODOR HERZL 1473-1474. *See also*, Oskar K. Rabinowicz, *New Light on the East Africa Scheme*, *in* THE REBIRTH OF ISRAEL: A MEMORIAL TRIBUTE TO PAUL GOODMAN 78-79 (Israel Cohen ed., 1952) (on Lloyd

for its Christian, Muslim, and Jewish holy places, but Palestine was also home to Haifa, where Britain wanted to establish a free port to export oil to Europe.[18] Promising Palestine to the Zionist Federation was a clever tactic to block French claims to Palestine after the war,[19] but the Declaration was jarring to the Arabs of Palestine, not only because their interests appeared to be considered secondary[20], but because the Balfour Declaration contradicted the earlier Husayn-McMahon correspondence, and even the Sykes-Picot agreement, where Palestine was to be placed under international administration, "after consultation with Russia, and subsequently in consultation with the other Allies, *and the representatives of the Shereef of Mecca*."[21] But the Sharif of Mecca was not consulted about the Balfour Declaration. Nor was the Zionist Federation specified as an interested party.

The population of Palestine was not consulted about the Balfour Declaration either. While self-determination was not a principle of universal legal applicability in November 1917, the Balfour Declaration conflicted with the Hogarth Message (January 1918) and the Anglo-French Declaration (November 1918) that promised the Arabs a nation of their own in Palestine. As the British Government expressed in the Hogarth Message, named after the director of the Arab Bureau (a unit of the Foreign Office) in Cairo, "the Entente Powers are determined that the Arab race shall be given the full opportunity of once again forming a nation in the world."[22] This message was specifically applicable to Palestine: "So far as Palestine is concerned we are determined that no people shall be subject to another."[23] In an attempt to reconcile this policy with the Balfour Declaration, the message referenced the return of Jews to Palestine but explained that the British Government was determined that Zionism had to be "compatible with the freedom of the existing population both economic and political."[24]

In the Anglo-French Declaration, the Entente went further:

> The object aimed at by France and Great Britain in prosecuting in the East the War let loose by the ambition of Germany is the complete and definite emancipation of the peoples so long oppressed by the Turks and the establishment of national governments and administrations deriving their authority from the initiative and free choice of the indigenous populations.[25]

The aim of the Anglo-French Declaration would later find expression in Article 22 of the Covenant of the League of Nations (1919), which recognized that "communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized."[26] This independence, being provisional, was subject to the rendering of administrative advice and assistance "by a Mandatory until such time as they are able to stand alone."[27]

George's role in the Uganda scheme). *See further*, Lloyd George's draft of the Jewish Colonization Scheme for East Africa in Africa (East) Jewish Settlement 1903 and accompanying correspondence in FO 2/785 TNA.

[18] See clauses 5 and 7 of *The Sykes-Picot Agreement*, *supra* note 14, at 26.

[19] *See* BAAR, *supra* note 13, at 32-35.

[20] *See Balfour's memorandum to the British Foreign Secretary, Curzon, August 11, 1919*, *in* DOCUMENTS ON BRITISH FOREIGN POLICY 1919-1939, 345 (E.L. Woodward & Rohan Butler eds., 1952).

[21] *See* MOORE, *supra* note 2, at 25-26 (emphasis added).

[22] *See The Hogarth Message, January 1918*, *in* 3 THE ARAB-ISRAELI CONFLICT 33-34 (John Norton Moore ed., 1974).

[23] *Id.* at 34.

[24] *Id.*

[25] *See The Anglo-French Declaration of November 7, 1918*, *in* 3 THE ARAB-ISRAELI CONFLICT 37-38 (John Norton Moore ed., 1974).

[26] *See* Covenant of the League of Nations art. 22.

[27] *Id.*

A Twice Promised Land

These inconsistent pledges earned Palestine the reputation for being "twice promised" having been first promised to the Sharif of Mecca, only to have Britain contravene this pledge by concluding a secret agreement with France that would qualify that independence, and then by promising Palestine—home to the third holiest shrine in Islam—to the Zionist Federation despite opposition from the Arab population that had fought on the side of Britain in the war against Turkey.[28] On 21 June 1922, a motion was passed in the House of Lords by a majority of 60 to 29 rejecting the mandate for Palestine that incorporated the Balfour Declaration because it "directly violates the pledges made by His Majesty's Government to the people of Palestine in the Declaration of October, 1915,[*] and again in the Declaration of November, 1918, and is, as at present framed, opposed to the sentiments and wishes of the great majority of the people of Palestine."[29]

Despite these conflicting pledges, and despite opposition from the House of Lords, the Balfour Declaration was incorporated into the mandate for Palestine, which entered into force in 1923, after the conclusion of the Treaty of Lausanne (which made no mention of the Balfour Declaration, unlike the unratified Treaty of Sèvres).[30] Britain would only abandon its support for the Balfour Declaration in 1937, when embarrassed by developments in Germany, and by a nationalist Arab uprising in Palestine, Britain reversed its overt support for Zionism and supported partition—although it recognized that enforcing partition was impracticable.[31]

Sharing the Spoils at Paris (1919)

Britain soon regretted concluding the Sykes-Picot agreement with France, not out of altruism for the Arabs, or any concerns for self-determination, but because the agreement gave France a say in the post-war negotiations over the disposition of Ottoman territory, including its oil reserves, even though France played a minor role in the war in the East. By 1918, Britain had sent a million men under arms to the Levant, where there had been one hundred twenty-five thousand casualties, and Britain had captured Damascus and Mosul from the Turks with the aid of T.E. Lawrence and the Arabs with next to no help from France.[32] Yet Britain was unable to capitalize on its *fait accompli* at the end of the war: because of the Sykes-Picot agreement, France would insist on sharing the spoils at the Paris Peace Conference.[33]

The modern borders between Iraq, Jordan, and Syria continue to follow the arrangements agreed to at Paris, which took the shape they did to allow for an oil pipeline to be constructed from Mosul to Haifa in Palestine under British control and from Mosul to Tripoli in Lebanon under French control, along Syria's borders with Mesopotamia and Transjordan.[34] Owing to a decision of the Iraq Petroleum Company, a subsidiary of Anglo-

[28] *See* BAAR, *supra* note 13, at 37-47.

[*] The "Declaration of October, 1915" was a reference to the letter sent from McMahon to the Sharif saying that Britain was prepared to recognize the independence of the Arab countries.

[29] *See* 50 PARLIAMENTARY DEBATES, Lords, 21 June 1922, cols. 994-1034.

[30] *See* Articles 2, 4, 6, and 7 of the *British Mandate of Palestine* in Annex 391, 3 L.N.O.J. 1007-1012 (1922).

[31] *See* League of Nations, Permanent Mandates Commission, Minutes of the Thirty-Second (Extraordinary) Session devoted to Palestine, held at Geneva from July 30th to August 18th, 1937, including the Report of the Commission to the Council, Official No. C.330. M.222. 1937. VI, pp. 178-179 (Mr. Ormsby-Gore).

[32] BAAR, *supra* note 13, at 80 (Lloyd George describing Arab help as "essential").

[33] 5 FOREIGN RELATIONS OF THE UNITED STATES 1-14 (1919).

[34] 5 FOREIGN RELATIONS OF THE UNITED STATES 807–812 (1919). *See also*, *Proceedings of a Meeting, War Office, 29 October 1919 to discuss reconnaissance for an oil-pipe line across the Arabian Desert in Political*, Turkey Files, 1919-1920, FO 371/4231 TNA.

Persian Oil, to delay drilling,[35] the oil pipeline was only operational from 1935-1948 when, following the Palestine war in 1948, the southern pipeline was closed, with the oil being diverted north to Tripoli through Banias.[36] The British Government subsequently installed the Sharifians' sons Abdullah and Faisal as kings of Syria, Transjordan, and Mesopotamia—but France would expel Faisal—whom it saw as a British stooge—from Syria to Mesopotamia, where he became the king of Iraq until his death in 1933.[37] France would subsequently supress a nationalist Arab uprising in Syria (1925-1927) as Britain would in Palestine (1936-1939) when the Arabs organized a strike at the oil refinery in Haifa, at the port, the railway, and the Public Works Department, which was defeated when Britain brought in Jewish workers to run them.[38]

Disclosure of the Correspondence (1938)

The Husayn-McMahon correspondence was first disclosed in the English language in George Antonius' book *The Arab Awakening: The Story of the Arab National Movement*, published in 1938 at the height of the Arab uprising, following a reversal in British policy towards Palestine.[39] *The Arab Awakening* forced the British Government to disclose its copy of the Husayn-McMahon correspondence from its files and convene a committee to revisit the correspondence in 1939.[40]

Although the chancellor Lord Maugham would deny that Britain had intended to promise Palestine to the Arabs in 1915, behind the scenes, the Foreign Office and the Colonial Office were so concerned about the exposure of the correspondence by Antonius that they joined forces to draft a memorandum on "the juridical basis of the Arab claim to Palestine" in support of the British position.[41] However, the arguments presented in the memorandum, intended to defeat the Arab position, persuaded few in the Foreign Office, where one unnamed official wrote, "after going into the whole question of the McMahon-Husayn correspondence again, our position in regard to this correspondence seems to me even weaker than it did before."[42]

Self-Determination and Ideology

Arab nationalists felt particularly aggrieved by the publication of the Sykes-Picot agreement, which they regarded as a betrayal, especially after the existence of the Husayn-McMahon correspondence became public knowledge.[43] Whereas many Arabs had been on the side of the Allies during the First World War in their effort to undermine Turkish rule, they would switch sides during the Second World War and for the duration of the Cold War. After the loss of Palestine in 1948, and what was left of Palestine in 1967, some Palestinian members of the Muslim Brotherhood, the anticolonial pan-Islamist organisation founded in Egypt in 1928 by Hassan al-Banna, began identifying with violent left-wing movements at the vanguard of the Third World and joined

[35] *See* SUSAN PEDERSEN, THE GUARDIANS: THE LEAGUE OF NATIONS AND THE CRISIS OF EMPIRE 272-274 (2015).

[36] MITCHELL, *supra* note 9, at 102-103.

[37] On the decision to grant Mesopotamia independence in 1932 see PEDERSEN, *supra* note 35, at 261-286. Faisal's grandson Faisal II of Iraq was murdered by Iraqi nationalists in 1958 ending Hashemite rule in Iraq.

[38] *See* MITCHELL, *supra* note 9, at 104 citing ZACHARY LOCKMAN, COMRADES AND ENEMIES: ARAB AND JEWISH WORKERS IN PALESTINE 1906-1948, 243 (1996).

[39] *See* Appendix A in ANTONIUS, *supra* note 1, at 413-427.

[40] *See Report of a Committee Set Up to Consider Certain Correspondence between Sir Henry McMahon and the Sharif of Mecca in 1915 and 1916, Presented by the Secretary of State for the Colonies to Parliament by Command of His Majesty*, March 1939, COMMAND PAPERS 5974.

[41] *See Juridical Basis of the Arab Claim to Palestine*, December 21, 1938, Political Eastern, Palestine and Transjordan (1939), FO 371/23219 TNA.

[42] Letter to H. F. Downie, Esq. OBE, Colonial Office, January 19, 1939, (E6/6/31), FO 371/23219 TNA.

[43] *See* ANTONIUS, *supra* note 1, at 248.

Fateh, which would form the nucleus of the Palestine Liberation Organization after the 1967 war.[44] In more recent times, some Islamists want to establish a Caliphate that they envisage encompassing much of today's Middle East. This would entail reversing "the fragmentation which the region underwent as the result of 19th century colonialism, and of the Sykes-Picot agreement."[45]

Conclusion

The Arab claim to Palestine is not just a claim based on self-determination. It is also a claim based on a series of declarations and treaties, including the Husayn-McMahon correspondence, the Hogarth Message, and the Anglo-French Declaration that would find expression in Article 22 of the League of Nations Covenant. Of course, the secret treaties did not become public knowledge until the publication of *The Arab Awakening* in 1938, sixteen years after the British mandate had been confirmed by the League. Only when the correspondence was published in 1938 did the British Government admit that Palestine had been twice promised.

[44] As Azzam Tamimi explains, with the sole exception of Yasser Arafat, all the other Founding Fathers of Fateh in 1959 were members of the brotherhood. *See* AZZAM TAMIMI, HAMAS: UNWRITTEN CHAPTERS 18, note 18 (2007). During the first intifada, the Palestine branch of the brotherhood established Hamas.

[45] *Id.* at 169.